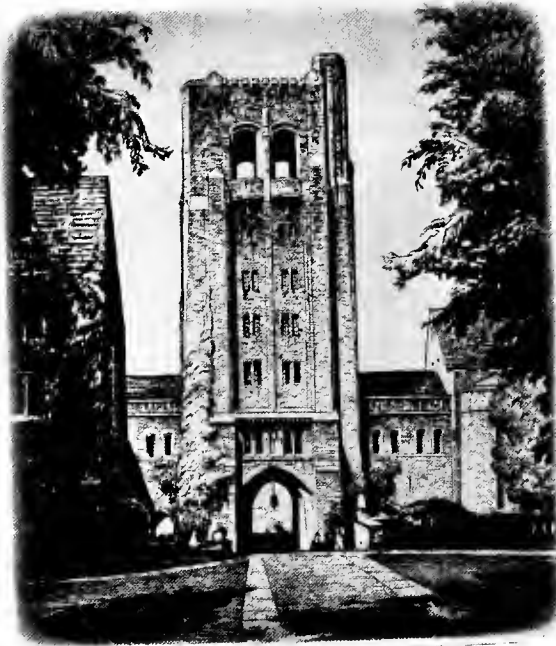


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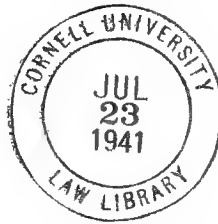
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MEMORIAL EXERCISES

IN HONOR OF

Justice Peter B. McLennan

HELD AT THE

COURT ROOMS OF THE APPELLATE DIVISION

OF THE

SUPREME COURT

FOURTH DEPARTMENT

AT

ROCHESTER, NEW YORK

ON THE 26TH DAY OF MAY, 1913

AND THOSE HELD AT THE

COURT HOUSE IN SYRACUSE, NEW YORK

ON THE 24TH DAY OF MAY, 1913

B 55017

In Memory of Presiding Justice Peter B. McLennan

MEMORIAL EXERCISES, at a session of the Appellate Division of the Supreme Court, Fourth Judicial Department, held at the Court House in the City of Rochester, on the 26th day of May, 1913, at 2 P. M.

Seated upon the Bench were Hon. Frederick W. Kruse, Presiding Justice; Hon. James A. Robson, Hon. Nathaniel Foote, Hon. John S. Lambert, Hon. Edgar S. K. Merrell, Associate Justices.

Presiding Justice Kruse said:

As has been announced, this is the time set apart for receiving resolutions and memorials in honor of the memory of the late Presiding Justice of this Court, Peter B. McLennan. Mr. Justice Robson will read the memorial adopted by the Court.

Justice Robson then read the memorial as follows:

Memorial of the Appellate Division

The tragic death of Presiding Justice McLennan has taken from this Court the one who served it longer than any other of those who, since its organization in 1896, have been its members. The Court had existed less than two years when he became one of the Associate Justices. Having served in that capacity until 1903 he was appointed Presiding Justice as the third in succession to that position, his immediate predecessor being the Honorable William H. Adams. It was given to him to fill that position of dignity and responsibility for more years than the aggregate service of his two predecessors; and, but for his untimely death, he would doubtless have continued his faithful, capable and efficient discharge of the duties of that office for the eight years remaining of his term as Justice of the Supreme Court.

The distinguishing characteristic of Justice McLennan's personality was strength. Gifted by nature with a vigorous mentality, he was also endowed with a powerful and striking physique. Thus bountifully equipped he could meet without apparent effort or resulting fatigue even the most exacting demands upon either his mental or physical power. He was in very truth a strong man.

It is the hall-mark of a strong character that its appeal to the individual observer is always recognized. Even a casual meeting with him left an impression of the power of the man.

Pleasing in his personality, with a disposition cordial and sympathetic, his facility in making and power in retaining the friendship of those even who would, except for those qualities in him, have been only casual acquaintances, were remarkable. Notwithstanding the exacting and continuous demands of his official position, he was at all times an interested observer of, and participated actively in, public affairs, especially those in which the welfare of his home city or his University was concerned.

Whatever at the time may have chanced to be the object he wished to attain, he brought to it such a power of entire concentration of effort to secure it that it would seem for the time his single aim. Naturally, though perhaps not consciously, he had chosen as his rule of action the example of that Apostle who said it is "This one thing I do." It may well be said of him, as it was of a distinguished jurist long since departed, that "He was eminently fitted by his "character and temper to secure without solicitation and retain without artifice "the public esteem."

As a judge, whether on the bench or in the more intimate contact with his associates at the consultation table, he was courteous, but firm; approachable, but always in dignified control of every situation. Believing implicitly in the wisdom of the fathers, he was impatient of attacks upon the integrity of the Constitution and the basic principles of the common law. In the consideration of individual cases his mind readily grasped the salient and decisive points, and mere detail of practice, or form, was never mistaken by him for the substance of the issue. It may be truthfully said of him, as it was of another eminent jurist—"That he "possessed an original and almost supernatural faculty, the faculty of developing a "subject by a glance of his mind and detecting at once the very point on which "every controversy depends."

The eloquent advocate, the sympathetic but just judge, the masterful man, the brave and true friend, has gone; but his memory remains as an abiding inspiration to higher and nobler effort to those who knew and loved him.

Mr. Jerome L. Cheney then presented and read the memorial adopted by the Bar Association of Onondaga County, hereafter printed with the proceedings of that Association.

Mr. Heman W. Morris then presented and read the memorial adopted by the Monroe County Bar Association, and in presenting the same, said:

On Saturday, May 10th, following the death of Judge McLennan, the members of the Monroe County Bar met and adopted a memorial expressing in an imperfect way their sense of the loss that the Bar and the public had sustained at his death. The meeting instructed the Committee to present the memorial to this Court. As I shall read the memorial precisely as it was adopted at the meeting, it should be borne in mind that the recitals contained should be construed with reference to the time of that meeting, rather than with reference to the present time. The memorial is as follows:

Memorial of the Bar of Monroe County

"In the midst of life we are in death." The solemn warning contained in these words received a tragic emphasis in the sudden death of Judge McLennan. So recently as last Thursday he presided at the session of the Appellate Division, in the full enjoyment of his usual health and strength. A few short hours later he had answered the summons of the Grim Reaper. Even now, it is hard for us to realize that this man of rugged strength and stalwart form, whose presence dominated the court room where he presided so long, has laid down his work among us never to take it up again. This unusually large gathering of the bar of this city are met together to testify of their esteem for Judge McLennan as a man, as a lawyer and as a judge, and of their sorrow over his death.

Peter Baillie McLennan was born in the Town of Lyndon, Cattaraugus County, in this State, on December 3rd, 1850. He grew up on a farm and early in life displayed those resourceful traits which, joined to exceptional intellectual gifts, enabled him to win success. He graduated from Alfred University in the class of 1873, and after preparing for the bar was admitted to practice in 1876. He settled in Syracuse, where he achieved a position of prominence at the bar of that city. He was the trusted adviser and counsel for many important corporate and private interests. He is remembered by the older lawyers of Central New York as an unusually astute and resourceful trial lawyer.

Able as he was at the bar and distinguished as was his reputation as a lawyer, Judge McLennan's fame will rest chiefly upon his career on the bench. He was in 1892, at the comparatively early age of forty-two, elected a Justice of the Supreme Court of this State. After serving as a trial judge for nearly six years, he was, in 1898, designated as one of the Associate Justices of the Appellate Division of the Fourth Department, and in 1904 was selected as its Presiding Justice, which position he continued to occupy until his death.

Judge McLennan brought to the duties of his judicial office a wide knowledge of the law, a keen grasp of its fundamental principles, an alert and well trained mind and a homely common sense, which helped much to the right solution of the difficult questions which the Court of which he was a member was called upon to decide. His career as a jurist was marked by great industry and research, and his opinions scattered through more than a hundred volumes of the reports, disclose a mastery of the details, both of the facts and the law, of the cases before the Court, and always great care in their preparation.

As the Presiding Justice he guided the sessions of the Court with dignity, while he accorded to every lawyer who appeared before the Court—to the young practitioner arguing his first case and to the grizzled leader of his local bar alike—the same close attention and the same unfailing courtesy.

This is not the time or place to indulge in an extended appreciation or eulogy of the jurist whose death we mourn, however much, by reason of his character, ability and achievements such words of commendation may justly be deserved.

The members of the Rochester Bar knew Judge McLennan mainly as a man and as a judge, and in both of those relations, we had come to know him well. A rugged honesty was woven into the very texture of his nature; he was broad minded and tolerant in his views; in his personal relations he was companionable, unaffected and democratic in his sympathies as in his principles, but always there was about him an unconscious dignity which was a part of his personality, and which every one who knew him could not fail to recognize. He was a lovable man who drew people to him and made them his friends. This manner of man was Peter B. McLennan, as we had come to know and love him. In his official relations we had come to know him, as had also the larger constituency of this great State, as the upright and fearless judge, unmoved by the appeals or threats of clamor, enforcing the law as it is written upon the statute books, but in its interpretation keeping always in mind the vital fact that laws are made by men for men.

And so we record this expression of our esteem and love for Judge McLennan, of our admiration for his high character and great abilities, of our appreciation of the valuable services he has rendered to the State, and of our sincere sorrow at his tragic and untimely death.

Judge Safford E. North, of Batavia, then addressed the Court, as follows:

May it please Your Honors:

On the occasion of the lamented death of Judge McLennan the Trial Term of the Supreme Court of Genesee County was in session, and at the request of Mr. Justice Bissell, who was presiding, I prepared and presented a brief memorial with reference to the life, character and work of the dead jurist. At the suggestion of the present Presiding Justice of this Court I have come to Rochester to present this memorial as it was adopted and framed at that time. It appears, therefore, not as a memorial originally presented to this Court, but merely as a copy of a memorial which was presented at our Trial Term. I beg leave to read it at this time.

Memorial of the Bar of Genesee County

The members of the bar of Genesee County have learned with profound sorrow of the death of the Hon. Peter B. McLennan, the Presiding Justice of the Appellate Division of the Supreme Court in this Department, and take occasion to present to the Trial Term now in session a tribute of the respect and affection in which this distinguished jurist was held.

Judge McLennan served several years as an Associate Justice of the Appellate Division and for ten years had filled the honorable and responsible position of Presiding Justice. His clear and able opinions appear scattered throughout the last one hundred twenty volumes of the reports of the Appellate Court. It is safe to say that there is not a member of the Bar of the Fifth, Seventh and Eighth judicial districts, comprising this department, who did not entertain a deep respect for Judge McLennan, for his learning, his industry, his unfailing courtesy, his patience, fairness and integrity. It was his fundamental idea of the true work of a judge that all cases should be disposed of on the broad principles of even-handed justice. To do right between man and man, to search below the veneer of technicalities and mere questions of procedure and get at the truth and the right, was what he was always seeking for. We offer to his memory as the tribute he would have most deeply appreciated, three words, "A just Judge." He was a kind, affectionate man, devoted to his friends, a genuine lover of his country and of its people. But yesterday he was sitting with his associates up to the time of adjournment. An hour later he had met with a fatal injury, and to-day the chair he has so long filled is vacant. Good citizen, learned lawyer, kindly genial gentleman, just judge, farewell, a long farewell. The memory of Peter B. McLennan, judge and man, will remain perpetually enshrined in our hearts.

Judge Charles McLouth, of Palmyra, then said:

If the Court please, the Wayne County Bar Association directed this memorial to be presented to this Court, and I ask leave to read it at this time.

Memorial of the Wayne County Bar Association

At a special meeting of the Wayne County Bar Association, held at the Court House in Lyons on the 12th day of May, 1913, called in reference to the death of the Honorable Peter B. McLennan, Presiding Justice of the Appellate Division, Supreme Court, Fourth Department, the report of a committee appointed by the President to present suitable minutes was unanimously adopted by a standing vote and directed entered upon the minutes, and presented to the Supreme Court by such committee, consisting of Messrs. McLouth, Baker and B. C. Williams.

It is highly proper that upon the first announcement of the death of Mr. Justice McLennan the Wayne County Bar Association should be called in special meeting to take action upon and express its unceasing regret over the tragic taking from our Courts, our locality and our hearts one so greatly respected and so well beloved.

He was so frequently its guest; so rarely failed to grace with his presence and his speech its annual festivity and banquets; and, when on such occasion in November, 1912, the lamented death of Mr. Justice Spring prevented the attendance of any of the Judges of the Appellate Division, Judge McLennan sent a letter so graceful and so touching that it may well be preserved and copied here,—

SUPREME COURT, APPELLATE DIVISION, FOURTH DEPARTMENT

PETER B. MCLENNAN, Presiding Justice.

Syracuse, N. Y., Nov. 8, 1912.

MR. GORDON G. HARRIS,
Secretary Wayne County Bar Association,
Newark, N. Y.

My dear Mr. Harris:

Your very courteous invitation to me to attend the annual banquet of the Wayne County Bar Association, to be held on Monday evening, November 11th, is received. I feel that under the circumstances it will be impossible for me to be present. Our Court enters upon its regular session on the following day,

November 12th, and the work of getting our decisions ready to be handed down is so urgent that I feel that I cannot spare the time to attend your banquet. Beside I might say that we are all in mourning over the death of our beloved associate, Judge Spring, and arrangements will be made for the purpose of paying a proper tribute of respect to his memory, which will also require our attention on the evening of November 11th.

For these reasons I feel that I cannot attend your banquet, but I wish that I might express through you to the Wayne County Bar Association my sincere regrets because I cannot be present. Please let each one know how very greatly I have enjoyed like functions in the past, especially because thereby I was given an opportunity to meet the lawyers of Wayne County, every one of whom I love and respect.

Yours very sincerely,

PETER B. McLENNAN.

At the early age of forty years, Judge McLennan, by the election of the people, selected from the eminent Bar of Onondaga County and the Fifth judicial district, went upon the bench of the Supreme Court and has continued there for twenty-one years.

It is the judgment of this Association, formed from a most fortunate acquaintance, judicially and professionally, together with the kindly allowance of greatly prized personal friendships, that the dominant characteristic of Judge McLennan was an overweening desire to arrive at and do exact justice. While he respected all persons, in this he had no respect of persons. He was faithful and laborious. He was conscientiously brave. He had no apprehensions that undue expressions would be made to him. He was never unwilling to speak of cases which he had in hand, even to an attorney connected with them, for he gave to an attorney credit for similar motives as guided himself. He was a delightful host; a charming guest; an endeared friend.

Perhaps he wrote, in all of his prolific writing, more dissenting opinions than any other member of the Court, and if such be the case, it probably arose from his strong convictions, how well maintained, one hundred and seventeen volumes of the Appellate Division Reports make manifest. Such is not a voluntary burden of extraordinary judicial labor, but one of conscientious duty.

Such men are greatly needed and illy spared.

From its organization with the year 1896, the Appellate Division of the Fourth Department has shown a continued list of great, learned and worthy men, but in it none has ranked Judge McLennan.

In the fullness of life, the maturity of his powers, the height of his fame, he passes from the needs of the judiciary and his friends to the final rest—the result

of well considered, well rounded life. The call may not be questioned or the judgment appealed from.

It is safe to say and comfortable to believe that the future follows the past; that life in this world is succeeded by life in the world to come of much the same characteristics, only better, more resolute and complete.

It was said a great, great while ago; it might be said to-day of our distinguished mentor and friend—

“When he shall come to die,
Take him and cut him out in little stars,
And he will make the face of Heaven so fine
That all the world will fall in love with night.”

Presiding Justice Kruse then said :

Other memorials and resolutions have been received from various Bar Associations throughout this Department, and will be made a part of these proceedings. These beautiful tributes to the memory of our dear Brother will be made a part of the records of the Court, and the Court will now, out of respect to his memory, adjourn.

Memorial of the Trustees of the Erie County Bar Association

ADOPTED MAY 24TH, 1913

In the death of Hon. Peter B. McLennan, late Presiding Justice of the Appellate Division of the Fourth Judicial Department of this State, the Bar has suffered a distinct loss. Judge McLennan was a fearless upholder at all times of the supremacy of the law, a learned and upright judge, and a kindly and considerate friend. The Bar of Erie County in various capacities has been from time to time his host, and individual members of same have been frequently his guests, and we have learned to know him well. We remember his genial qualities of mind and heart with affectionate remembrance, and have learned to appreciate his honorable and distinguished career upon the Bench all the more deeply by reason of these personal associations. Courteous, fair, impartial and just, he was at all times a fearless jurist and an upright judge. We join with his associates upon the Bench in expression of our sorrow at his unfortunate death and in their high esteem for his judicial attainments and lovable fellowship.

Resolved, Therefore, that this memorial be forwarded to his associates upon the Bench and to his family as a partial expression of our high regard and veneration, and as a token of our sorrow at his untimely death.

Memorial Resolutions of the Bar of Oneida County

Resolved, That the Bar of Oneida County hereby express their deep grief at the sudden and untimely death of Peter B. McLennan, the Presiding Justice of the Appellate Division of this Department, and they place upon record their high appreciation of his honorable career as a citizen, a lawyer, a judge.

Resolved, That in the death of Judge McLennan the judiciary, the bar and the public have met with a great loss. For twenty years and upwards he faithfully has served the public in official duties as important, as arduous, as any in the State, the due performance of which comes close to the life and happiness of every citizen. He was ever ready and able, without fear or favor, to detect the wrong and maintain the right. He possessed a strong and vigorous mind, broad and comprehensive in its grasp, which enabled him to fairly investigate and understand the many intricate and difficult questions of fact and law abounding in the administration of justice. As a trial judge he was ready and able to discover and carefully consider the real questions affecting the parties, and apply practical solutions of disputed questions to an unusual degree of satisfaction to all. As an appellate judge his record stands high, and his opinions in the law reports show a comprehensive judgment adequate to the performance of the important duties of his high position, and furnish valuable precedents for use by the profession. He was kind and courteous as a presiding officer, and in his association with the Bar. A very pleasant memory of him and his character will long remain with all who had opportunity to enjoy his acquaintance.

Resolved, That we tender to the family of Judge McLennan our most sincere sympathy upon their great affliction, and direct that a copy of these resolutions, duly certified by the officers of the meeting, be transmitted to them, and presented to the Appellate Division, and also to the Supreme Court now in session in Oneida County with the request that they be spread upon the minutes of such Courts.

We, the undersigned, do hereby certify that at a special meeting of the Oneida County Bar Association, held at the Court House in the City of Utica, on the 10th day of May, 1912, at 2 o'clock, resolutions of which the foregoing are true and correct copies, were presented and unanimously adopted by said Association.

JOHN D. KERNAN,
President.

CLARENCE STETSON,
Secretary pro Tem.

Dated Utica, N. Y., May 12th, 1913.

Memorial of the Bar of Oswego County

At a meeting of the Oswego County Bar held at Oswego, May 10, 1913, the following memorial resolutions on the life of Judge McLennan were adopted:

The sudden death by accident of Peter B. McLennan, Presiding Justice of the Appellate Division of the Supreme Court in the Fourth Department, has brought deep sorrow to the Bar of Oswego County, many of whose members have known him throughout his whole judicial career.

Judge McLennan was a typical American product. The son of Scotch parents, whose ambition and courage had brought them to America, with little material assistance he hewed his own way through life to the high position he held at the time of his death. His public service commenced when at sixteen years of age he taught a country school, "boarding round." His abilities and character soon carried him into more important fields. His promotion was rapid, but it was always recognized as just, for he always filled the positions to which he was successively called.

While he was liberally educated, the most important part of his education was gained in the school of practical experience, where his native common sense, self reliance and courage were developed to a very high degree. That strong common sense pervaded and controlled his whole judicial work.

His service upon the bench was characterized by hard work and an intelligent study of the authorities, but beyond all else by a clear perception of the real equities of the cause, and by a direct and forceful expression of his convictions. These high qualities made him a great force in the judicial life of his time.

As Presiding Justice, he sustained the highest ideals of a great Court. We shall always remember with grateful appreciation his unaffected, kindly courtesy.

In close touch with the Bar, the lawyers always liked to meet him, and we believe he always liked to meet us. His democracy was so deeply rooted that it was never affected by the glamour of any surroundings. Big and rugged as he was, he was the most approachable of men. No one who knew him ever feared to ask him for any proper order, or for any reasonable favor.

We shall miss his genial smile and his hearty grasp of the hand.

We mourn Judge McLennan as lawyer, judge and friend.

Resolved, That a copy of these resolutions be presented to the family of the deceased, and to the Court over which he presided and be published in the local papers.

EZRA A. BARNES,

Secretary.

ELISHA B. POWELL,

Chairman.

Memorial Resolutions of the Jefferson County Bar Association

At a meeting held at the office of President Hooker last evening the Jefferson County Bar Association took action on the death of Judge McLennan.

A committee consisting of Judge Williams, Judge Emerson, Judge Purcell, Edward N. Smith, Joseph Atwell, George S. Hooker and others was named to attend the funeral on Sunday.

A committee consisting of Elon R. Brown, P. C. Williams and Henry Purcell was appointed on resolutions. The resolutions adopted are as follows:

The Bar of Jefferson County have met to express their sense of personal and public loss in the death of Judge McLennan. During his long service on the Bench he commanded the unvarying confidence and respect of the Bar and of the people of the county as a just judge, an able lawyer and a great hearted man. His personal relations with the members of the Bar and many citizens ripened into lasting friendship. He was a powerful influence off the Bench for the progress of sound and wholesome principles lying at the basis of our State's welfare and the progress of society. He was a true patriot. Such splendid service in high public office and such inspiring influence in private life furnish to all an enduring inspiration of which death cannot wholly deprive us.

Resolved, That a copy of this minute be transmitted to Judge McLennan's family and that it be presented by the Committee to the Appellate Division of this Department and to the Supreme Court in this county with a request that it be entered upon their records.

Memorial of the Cayuga County Bar Association

The death of Judge McLennan has removed from the service of the State a conscientious and efficient judge, and a strong and attractive personality.

Naturally, he will be best known for his long and arduous service as Presiding Justice of the Fourth Appellate Division. Only lawyers can appreciate fully the unremitting labor of that position to a judge who conceived its duties so broadly, and discharged them so faithfully, as Judge McLennan did. To make the work of the Court expeditious, and yet give every one fair hearing—to hold a firm hand over the dilatory and the merely adroit practitioner, and afford equal opportunity to less alert or less experienced counsel—to know and understand the issues in every case pending in his Court, whoever wrote the opinion in that case—these were things which he accepted as every day duties, and as axioms of his official life. A man of strong convictions, his instinctive leaning toward the right of a case made him impatient of technicalities. Behind a certain austerity of manner, and a frank bluntness of expression, he concealed, often with difficulty, a native kindliness and an unfailing humanity. Perhaps as well as any judge who has served in this department, he illustrated the value of common sense, and a kindly understanding of human nature, as essential elements of judicial efficiency. In his mind, judges, juries, lawyers, and litigants were first of all human beings, whose foibles and limitations he understood as few judges do, and for which he always made allowance in the decision of cases. He knew that the law, dealing as it always must, with these foibles and these limitations, was not, and could not be an exact science. The task he set himself to accomplish was to come as near as possible to substantial justice, as indicated by the facts before him, and to minimize, so far as possible, the hardships inherent in all litigation. He had the capacity to look through legal forms into the real motives of human conduct, and the courage to ignore precedent in favor of the right as he saw it.

These are attributes of the great judge; and measured by such permanent standards, few men of his time have left a cleaner or more satisfactory record of public service than Judge McLennan.

JAMES LYON,
FREDERIC E. STORKE,
JOHN VAN SICKLE.

The foregoing is a minute adopted by the Cayuga County Bar Association at a special meeting held May tenth, one thousand nine hundred thirteen.

ELDRICH J. WILLIS,
Recording Secretary.

TELEGRAM

Buffalo, N. Y., May 26, 1913.

HON. FREDERICK W. KRUSE,
Rochester, N. Y.

I regret exceedingly that an imperative court engagement prevents my attending memorial services in honor of the late Presiding Justice McLennan. His untimely death was a severe shock to me, and I feel his loss keenly. I cannot let the occasion pass without testifying to his many kindnesses to the younger lawyers. He gave me much sound advice which has been invaluable. My sympathy goes out to you in the loss of a beloved associate.

DANA L. SPRING.

Memorial Exercises

OF THE

ONONDAGA COUNTY BAR ASSOCIATION

HELD AT THE

ROOMS OF THE APPELLATE DIVISION

OF THE

SUPREME COURT

IN THE

COURT HOUSE AT SYRACUSE, NEW YORK

ON THE

24TH DAY OF MAY, 1913

In Memory of Peter B. McLennan

**PRESIDING JUSTICE OF THE APPELLATE DIVISION OF THE
FOURTH DEPARTMENT**

On the 24th day of May, 1913, at the rooms of the Appellate Division at the Court House in the City of Syracuse, N. Y., a meeting of the Onondaga County Bar Association was held in honor of Justice Peter B. McLennan.

The meeting was called to order by Jerome I. Cheney, the President of the Association, who said:

This meeting has been called to express in a formal manner the sorrow felt by every member of this association because of the death of Justice Peter B. McLennan.

Judge McLennan was born and received his early training upon a farm in Cattaraugus County, where he developed those traits of industry and integrity which have characterized his whole life.

After his graduation from the University he came to the city of Syracuse to take up the study of law and as a resident of Syracuse he passed the remainder of his life.

He was a strong and aggressive character and filled a prominent place in this community. He was not only eminent in his profession, but was very active in every movement which tended to promote the good of the city and its people.

In his professional life, he was most prominent as a trial lawyer. He was possessed of an alert and analytical mind and a large share of homely common sense, and this coupled with his aggressiveness made the ideal combination for the advocate.

In municipal affairs, his greatest service was performed by the work he did in securing for this city its present water supply. He was a member of the original commission which investigated all available sources of supply, and finally decided upon Skaneateles Lake as the most suitable. He took an active part in the campaign of education which resulted in the legislation which permitted the city to enter upon this great work, and the vote of the people to engage in it as a municipal undertaking; and as a member of the original water board, he did a large share of the work of organizing the department and installing the water system.

But he will be chiefly remembered because of his work as a judge, wherein he spent the twenty best years of his life. He was an able and upright judge,

independent and fearless. He presided over his court with dignity and was uniformly courteous toward all whose business brought them before him.

To the members of the Bar of Onondaga County he was more than all this, he was their friend. Possessed of a genial disposition, he was very approachable and companionable when off the bench, and never became impressed with the idea that when he became a judge, he ceased to be a man.

By his death we have all suffered a great personal loss, and have met at this time to pay our tribute to his memory.

Mr. Cheney then introduced Hon. Irving G. Vann, late Judge of the Court of Appeals, selected by the committee for the occasion, who delivered the principal address.

Address of Hon. Irving C. Hann

Mr. President and Gentlemen of the Bar:

We have met on an occasion of great solemnity. A leader of the Bar, for more than twenty years an eminent Judge, in the full vigor of life and in the active discharge of duty to the State, without a moment's warning, has passed from the ranks of the living to join the hosts of the dead. The duty has been cast upon me, his old preceptor, law partner and associate on the Bench, of reminding you of some facts in his history, of some things he did, some honors he won, some qualities he possessed, and to express, if I can, in the deep gloom that oppresses me, to some extent our appreciation of his life and our grief over his loss. I have thought and wished that it would fall to him, in the fulness of time, when I should have left the Bar forever, to speak of me at some memorial ceremony if one were held, as I am now to speak of him, but man proposes and God disposes, and I must speak of him at the time when the Bar he loved so well holds its last meeting in his honor.

Peter B. McLennan was born on the 3rd of December, 1850, on his father's farm in the Town of Lyndon, Cattaraugus County; New York. He was the second child of Colin McLennan and Ann Frazer McLennan, who were both of Scotch birth, with a rigid standard of conduct and morals, in the light of which they reared their six children, four boys and two girls. They were devout and strict Scotch Presbyterians, unbending in principle and rectitude, and with severe discipline they exacted from their children compliance with their own lofty precepts and example. Both were born in the same locality, near the City of Inverness, Scotland. The father, a sturdy, substantial, hardworking man was a stone-cutter by trade and came to this country in 1835, landing in New York and traveling from there by steam boat and packet boat reached Utica, where he engaged in his trade and following the line of construction of the enlarged Erie Canal cut stone for its locks and other structures as far as Rochester and perhaps beyond. He worked at his trade in this country for nearly ten years, and having saved money enough to pay for an uncleared farm in the forest went to a Scotch settlement in the Town of Lyndon, Cattaraugus County and bought the place upon which he spent the rest of his life, which continued for more than a generation. It was the Scotch neighborhood that called him, not the quality of the land, which was hilly, high, cold and poor. After making a small clearing and erecting a log house he returned to Scotland

and married Ann Frazer, the youngest sister of the Reverend James Frazer, noted and honored to this day, after the lapse of nearly a century, as the pioneer minister to the Island of Cape Breton. A graduate of the University of Edinburgh, an ordained minister and a licensed physician, he built schools and churches, treated the diseases of body, mind and morals and rescued the Island from lawlessness and disorder. Mr. Colin McLennan brought his bride to his farm in Lyndon within three months after he left it to go back to Scotland. The section was then a wilderness, although here and there was a small clearing with a log house on it, and perhaps a structure which answered for a barn. Life was primitive and hard in that little community, requiring the utmost industry and economy, but the standard of conduct was so high that quarrels and lawsuits were unknown, and a man who would cheat his neighbor or take undue advantage of him, was scorned as a thief. The roads were mere trails cut through the forest, and the rude wagons bumped over roots and stones, sank into mud holes, barked the trees, and when a stream, even if a river, was reached there was no way to cross it except by fording, for there were no bridges. Cuba, eight miles distant, was the nearest village, but it could be reached only by a hard journey lasting from early in the morning until late at night. These were the people, young and strong then, who conquered the wilderness and wrung from it a living for themselves and the children who came in due time. Substantially everything worn and almost everything eaten was raised on the farm. They kept sheep, and Mrs. McLennan with her own hands carded the wool into rolls, spun the rolls into yarn, wove the yarn into cloth and made the cloth into the clothes worn by herself, her husband and children. She wove the blankets for the beds, and the rag carpet for the floor. She knit the stockings, mittens and caps worn by every member of the family. The skin of the beef slaughtered for winter use was tanned at a neighboring tannery, and from the leather a wandering shoemaker, who went from house to house plying his trade, made the shoes worn by the entire household. They made their own sugar from the sap of the maple trees. Such groceries as they had were obtained in exchange for pork, butter and eggs, twice a year when the journey to Cuba was made to get the few necessities which they did not raise on the farm. They cut their own wood from the generous forests and burned it in a stone fire-place, equally generous. A little money came from the wool left over after the clothing and the coverings for the bed were made, the surplus maple sugar not needed for family use was sold and after a while when a market came, the grain raised on the farm was converted into money, but for a long time money was so scarce as hardly to be current in the community. Indeed, there was little need of a medium of exchange, for every family raised substantially all that was required in their plain and frugal lives. When they were sick the mother was the doctor

for there was none other within reach. When Sunday came they worshipped at first in a barn, and then in the school house, but all the people were there, devout and prayerful. The love of God was in their hearts and the fear of God was in their souls. They lived lives of hardship but not of poverty, for while they were poor they were more independent than many people now with great possessions. Their struggle was with nature, with the forest and the poor, stony soil, with heat, cold and drouth, and even wild animals which were abundant and troublesome. Many times a day, and with some difficulty, Mrs. McLennan used to frighten the deer from the garden, where they fed on the growing shoots and fresh vegetables. Other animals, feeding in the night, preyed upon lambs, pigs and poultry.

The children at a very early age took part in the daily work on the farm and in the house. The girls helped their mother in her multitude of cares about the home. The boys helped their father clear the land, cutting the huge elms, maples and hemlocks into windrows and burning them when they were dry enough. At that time this was not waste, for it was the only practicable way to get the land in a condition to raise crops. The boys ploughed, harrowed, planted, hoed, cradled and mowed, and no work on the farm was so hard as to exempt them from constant and unremitting toil, shortly after they reached their teens. Many years ago the venerable mother, speaking with pride of her son Peter, who had already reached distinction, told me he did a man's work at twelve. She said he was a tremendous worker, and that she did not know what they could have done without him. They relied upon him in his youth as if he were a man in years and growth. Strong and athletic, no toil was too severe for him, even when he was but fifteen or sixteen years old. His parents took his advice and deferred to his judgment at that early age. The neighbors took counsel with him as to the management of their farms and the transaction of their business, and long before he reached manhood he was recognized in the neighborhood as a boy with the strength and judgment of a man. After the crops on the farm were harvested he hired out to the neighbors, cradling heavy grain with a hand cradle at fifty cents an acre and mowing hay with a scythe at two dollars a day. He did a man's work and received a man's wages. He taught the district school when he was but sixteen years of age. He saved his money to go to college after he should have exhausted the resources of the district school one mile from his father's farm, and even that he could attend only in the winter, for during the rest of the year he was needed at home. His people were poor, and all in the neighborhood were poor, but they were princes in their noble self-reliance, and their lofty ideals of conduct and character. From such parents, Peter B. McLennan was born, and amidst such surroundings he grew towards manhood. Hardship, hard work and narrow means cramped his

early life, but did not stifle his ambition to rise in the world and make the most he could of himself. Conscious of power, he knew there was a future before him and he looked forward to it with eagerness and confidence.

Fortunately for himself and for many other young men in the western and southwestern part of the State, Alfred University, a most worthy institution, was in existence, and there he entered college at the age of seventeen, taking the classical course. He paid all his expenses, including tuition, books and the like, from the money he had saved and that which he earned after entering college. He boarded himself, but once in a while, like manna from Heaven, a barrel of provisions came to him from the farm. He cooked his own food, cut his own wood and made his own bed. His entire living expenses amounted to but fifty dollars a term. During the winter he taught school, but lost no time from the college course, as he made up his studies as he went along. He was the favorite pupil of Dr. Allen, the venerable and eloquent president of the institution, who exerted a strong influence in molding his character and encouraging him to press on to a life of usefulness and honor. He repaid the worthy doctor by boundless love and admiration, as well as in many practical ways all through his life, and on an occasion which I will mention presently, it was one of his most precious and gratifying triumphs to render professional service of the utmost value to a member of the doctor's family.

Struggling with hardship and privation, rising early and working far into the night, he continued his course in college and graduated with honor. He was then twenty-two years old, and the world was before him with its temptations, its invitation to action, its frown for failure and its smiles for success. He faced it with dauntless courage. Experience had been a harsh teacher to him, but the result warranted the sacrifice. It developed and toughened the fibre of his body, mind and morals. It fitted him for the life he was to lead and made failure almost impossible so far as human success could be foretold. It placed the ample resources with which nature had endowed him, so completely at his free and full command that even when acting without preparation or warning he rose to the height required by any emergency that confronted him.

As a boy he had dreamed and as a youth he had planned to become a lawyer, and now on the threshold of manhood he chose that noble profession which was well adapted to his talents, for the work of his life. He had no money and *res angustae domi* still stood by his side as they had from the day of his birth. During the summer after graduation he worked at haying and harvesting, and carefully husbanding his money visited Buffalo, Binghamton, Elmira and Syracuse in order to select a place to study and practice law. A law school was out of the question for him, as he could not afford the expense, but later in life he showed his appreciation of such schools by lecturing with success in the law

school of Syracuse University. Finally he fixed upon Syracuse as his place of residence, and in the fall and winter of 1873 and 1874 taught school in the district comprising part of what is now the Village of Solvay. In the Spring following, a tall, straight, awkward, bright-faced and intelligent looking young man entered the law office of Fuller & Vann, where I was a partner, and asked me if he could study law with us. That was the first time my eyes ever rested on one who was soon to become my life-long friend, Peter B. McLennan. He entered our office, studied law with a diligence measured by long days and short nights, even Sundays were not excepted, made himself generally useful, knew everything that was going on, modestly made suggestions of value, and soon was managing clerk on a salary. I do not remember that he ever forgot an engagement or made a mistake. He asked few questions, but appreciated and absorbed all that was done in an office with a large and varied practice. He took charge of the register and the daily record, and each morning told everyone, from principal to clerk, the duty assigned to him for the day. He tried our cases in Justice's Court with great success from the outset. He was popular with clients, with all in the office, and even with those, both lawyers and laymen, with whom the office was contending as adversaries. On the 6th of October, 1876, at a General Term held in Rochester, he was admitted to the Bar and immediately started in practice for himself. Soon after, he formed a partnership with Major Farrar, a lawyer of some experience, and a year or two later, upon the friendly dissolution of the firm of Fuller & Vann, he became a partner of Duke Dillaye and myself under the name of Vann, McLennan & Dillaye. From the beginning of this association he tried all the jury cases and many of the equity cases and references. He soon brought business to the office worth more than the share of income at first assigned to him, and his proportion was increased accordingly. In less than five years after his admission to the Bar he was recognized as one of the leading young lawyers of Syracuse.

Upon my retirement from the firm on the first of January, 1882, when I went on the Bench, great responsibilities were cast upon the young lawyer, with an experience at the Bar of but seven years, for in addition to the general business of the office he at once succeeded me as the local counsel of the West Shore Railroad, then in process of construction through this section of the State. Among the many intricate and perplexing things he had to undertake at once was the acquisition of the Chenango Valley Railroad, as its right of way was the key of the situation in the effort of the West Shore to effect a passage through Syracuse. An illustration is sometimes better than an argument, and a statement of what he did on an important occasion during the struggle of the West Shore Road to acquire control of the Chenango Valley, will show that capacity for doing the right thing in a sudden and pressing emergency, which characterized his entire life.

Friends of the West Shore had acquired a controlling interest in the stock of the Chenango Valley, but the entire board of directors was hostile, as they wished to sell their road to a third railroad, then started, but which, as it turned out, was never completed. It was a fight to extermination by one road against another for control of the third. The by-laws of the Chenango Valley road required the annual election of directors to be held on a certain day when the friends of the West Shore expected to elect their men as directors, as they were legally entitled to for they owned a large majority of the stock. Those in control of the opposition, however, were vigilant and not over scrupulous. On an utterly untenable ground they procured an injunction from the temporary County Judge of an adjoining County outside of the judicial district, restraining the stockholders from holding their annual election on the day fixed by law. If the injunction stood, and the election was not held on that day, the friends of the West Shore would be helpless for a year, as the election would necessarily go down, there was then no statute to meet such a contingency and the old directors would hold over and continue their hostile action. This would frustrate the plans of the West Shore managers and arrest the construction of the road through and west of Syracuse for such a long period of time as to seriously imperil the entire enterprise. The order of injunction had been granted five days before the day the election was to take place, but it was not served until after the stockholders had assembled, and about ten minutes before ten o'clock, the hour at which the election was to be held. A telegram to the County Judge who granted the injunction brought the news that he was absent from the State. What was to be done? What could be done to get out of the carefully prepared trap sprung at so late an hour? The General Term, as it then was, happened to be in session at Binghamton, and McLennan saw his only chance and at once acted with characteristic energy. There was no regular train that could reach Binghamton in time to get relief, and after persuading the stockholders to remain in session until afternoon, he chartered a special train at an expense of \$300, reached Binghamton just as the Court was about to take its noon recess, showed the judges the date of the order, proved by affidavit that it was served only ten minutes before the meeting of the stockholders was to be held, although it could have been served several days before and in ample time for a hearing on the merits, and the Court at once made an ex parte order as the law permitted, vacating the injunction absolutely and unconditionally. A prompt telegram to Syracuse notified the stockholders, who proceeded with their election, chose their own directors, and the work of effecting a passage through Syracuse was finished. Even this victory was sweetened by an order made in due course of procedure requiring the parties who procured the injunction to pay the expense of the special train and a liberal counsel fee for getting rid of the order.

This effective action led almost immediately to the appointment of the young lawyer, when he had been less than eight years at the Bar, as general counsel of the West Shore Road, with full and uncontrolled charge of all its legal business in this State, a position which he held until the road was reorganized under foreclosure. After that he returned to Syracuse, where he had in the meantime retained his residence, and resumed his place as a member of the firm of Waters, McLennan & Dillaye, which he had organized on the dissolution of his old firm. Upon the death of Mr. Waters, Major Tracy and Mr. Ayling became associated with him as co-partners under the name of Waters, McLennan & Ayling. I cannot mention the flood of business, including cases of vast importance which poured in upon him and his firm. I will mention one as it illustrates his ability as a trial lawyer.

I have already spoken of the patriarchal President Allen and the admiration and respect of our friend for him. Now in successful practice, known and honored far and wide, he longed for a chance to express his gratitude to his old instructor in some practical manner, and finally the opportunity came. A daughter of President and Mrs. Allen had married a worthy young man named Alberti, who was seriously injured while a passenger in a wreck on the Erie railroad. Although there were many lawyers of eminence in the section where President Allen and his son-in-law resided, some of them graduates of Alfred, all were passed by, and Peter B. McLennan was retained to bring the action for damages. It was tried at Newburgh, far from the home of the plaintiff and the sympathy of neighbors, before Charles F. Brown, a Justice of the Supreme Court of the highest standing in his profession and on the Bench. Judge Brown afterward told me that the address of McLennan in summing up that case before the jury was the strongest and most eloquent speech he ever heard in a court of justice. This was the highest praise from a high source. The jury rendered a verdict in favor of the plaintiff for the sum of \$25,000, which is said to have been the largest verdict which up to that time had ever been rendered in an action in this State brought to recover damages for personal injuries where the plaintiff survived the accident and was a witness at the trial.

In the fall of 1892, but few years after these brilliant achievements which were in line with many others that I cannot mention, Peter B. McLennan was elected Justice of the Supreme Court, and ascended the Bench on the 1st of January, 1893. In 1898 he was promoted to the Appellate Division of the Fourth Department, in 1904 he became its Presiding Justice, in 1906 he was unanimously re-elected Justice of the Supreme Court, and was at once re-designated as Presiding Justice, and he continued to fill that position until death took him from us.

Judge McLennan was a sound and brilliant lawyer, an able and just judge, a useful and popular citizen, a kind and loving husband and father, and a devoted friend.

Speaking of him as a lawyer, while his good judgment and strong common sense made him able as a counselor, his greatest strength appeared upon the trial of cases before a jury. After careful preparation he managed the case with tact, and saw and apprehended, if he had not already anticipated, whatever occurred. He examined briefly, but to the exact point on the direct examination and more fully but with careful discretion on the cross. He was courteous to all, including the counsel and the witnesses against him. It was touching to see his deference to an aged man or woman when an adverse witness, and it was almost terrible to see him crush a liar. His greatest achievements at the Bar were as an advocate. He was a natural orator almost from boyhood. In the debating societies of school and college, at picnics and public gatherings in the neighborhood of his home, at school houses and in churches, some at distance from his home, even when in his teens he was recognized as an eloquent and sensible speaker of much promise. He took pride in the subject, and eager for development was glad to respond to the frequent calls upon him. He usually spoke extemporaneously, but generally after careful thought, although some of his best performances in his later years were when he was suddenly called to speak on a subject with which he was more or less familiar. In his maturity, tall, dignified and stately he stood before the jury a commanding figure, clothed with power. His utterance was rapid, his elocution attractive, his manner easy, and his argument convincing, but his supreme strength was his intense earnestness. He grew animated as he spoke, his face flushed, his eyes flashed and his appearance was that of a man who had no doubt whatever that his client was right and that shameful injustice would be done unless the jury found in his favor. Forceful, simple and eloquent, he won many brilliant victories as a trial lawyer, and I think no work on or off the Bench was so agreeable to him as the trial of a close question of fact when the equities were with him, even if a cloud of witnesses were against him. Always his appeal was in the name of justice and he spoke with his voice and his soul to convince the jury that the cause of his client was firmly planted in natural justice.

He threw himself so completely into his client's cause as to feel that he was attacking error and defending truth, and he spoke as he felt. He never paused to reflect nor hesitated for a word in addressing the jury. He enlivened his speeches with timely wit, pertinent anecdotes and luminous illustrations. His memory was so faithful that he took no notes, either as counsel or judge, but simply recorded the names of the witnesses and he had no difficulty in recalling what each said whenever it became necessary. His apprehension was quick as

lightning, and instant action followed as if by instinct. Seeing at a glance all that most men see only after time for reflection, he knew at once what to do under the most perplexing conditions and did it with a directness and energy which usually brought success. The justice of his client's cause became the conviction of his mind, and to the very last, he was confident in his ability to bring the case to a successful conclusion. If beaten by the jury he was disappointed, but not dismayed, and went on by motion and appeal as if he had just begun to fight. He never voluntarily gave up what he regarded as a just cause as long as there was a court open in which to continue the struggle. If, after all his efforts he was finally beaten, he took defeat without complaint, the same as he won victory without boasting.

For more than twenty years he sat upon the bench with dignity and honor. He was an upright judge and held the scales of justice evenly, and sought above all things to see that truth and right prevailed. From the beginning of his judicial career he did what many successful trial lawyers are unable to do on ascending the bench, for he laid aside the manner of an advocate and took up that of an impartial judge, seeing the merits of either side, and giving both a fair chance. His charges to the jury were full, clear and logical, and while still eloquent of speech which he could not wholly avoid although he knew it was dangerous in a judge, his sense of justice was so strong as to make him fair and impartial in his presentation of the facts and the law.

In his administration of the criminal law he was rigorous, but humane, and whenever discretion was allowed in punishment he was as merciful to the convict as comported with justice to society. Frequently prefacing his sentence with practical advice and words of encouragement, after pronouncing judgment he still kept track of the prisoner while in confinement, and if he learned that his conduct was good, and that he was apparently penitent and determined to do right, he frequently recommended a commutation of the sentence, but always with care and caution and never forgetting the interests of the State. Many prisoners, after their release from prison were looked after and found homes and employment by him. He never spoke of such matters and his closest friends learned of them only by accident.

After great success as a trial justice he achieved even greater success as an appellate judge. His opinions were clear, able and convincing. Their strongest quality was their common sense. A close student of the law, and familiar with the authorities still he depended more on his inherent power of reasoning than on his knowledge of the law. He thought naturally along legal lines and frequently without knowing it, fell into the same methods of thought and reasoning that had been used by his venerable predecessors perhaps centuries before. The court of last resort carefully studied his opinions and fre-

quently made his opinion its own by adopting it even when written in dissent, and rendering judgment solely upon the reasons given by his logical mind.

He was a great lawyer, and a great judge, and he was bound to be great in whatever calling he happened to choose. He was a big man by nature. He always had mental resources left after meeting any emergency he encountered. Education did something for him, industry did much and nature did the most of all.

As a citizen, he was active, public spirited and devoted to the interests of the community. His activity was wide as the State, and frequently he was called to Albany in consultation with the Governor and committees of the Legislature on matters of general importance. His devotion to the City of Syracuse was shown by his arduous and incessant work in connection with his associates on the various commissions of which he was a member, in the prolonged struggle to secure water from Skaneateles Lake for the use of the citizens of Syracuse. Without ample means and needing all his time to meet the demands of his profession, he spent his money freely in aid of that enterprise, and devoted many months of valuable time to its consummation. Any project of merit that he felt was for the real welfare of the community or the bar commanded his earnest support, and his support of a measure or of a friend was never half-hearted or nominal, but always earnest and helpful. He could do nothing by halves and he went to the bottom of every subject he investigated and to the heart of every enterprise he undertook. Without aiming to be a leader he was forced by his nature to lead in almost every matter that he engaged in. With his powerful will and his marvelous ability he could hardly fail to lead and at times to dominate, but this quality was so tempered by his kind heart and gentle nature as to seldom give offense, and never if he knew it.

He had the unfaltering honesty of his ancestors. He could not do a dishonest or underhanded or mean thing. Frank, candid, and sincere, his heart knew no guile and his soul no deception. He was honest morally and he was honest intellectually, for he could not reason in crooked lines and had to argue straight to the point. His mind was strong rather than acute, that is, he made strong points instead of sharp points. The foremost feature in the equipment of his mind was the reasoning faculty. His reasons were as powerful and remorseless as the strokes of a sledge hammer, and he cared as little about forms of expression as the sledge hammer cares about the sound of its strokes. While he had an even well balanced mind, the power to give reasons based on plain common sense, as clear to an ordinary laborer as to a college president, was the dominating element of his mind.

The primary feature of his character was his kindness of heart. He overflowed with kindness, generally expressed in acts, less frequently in words, and

there were few men within the range of his wide acquaintance who did not realize this as well as they realized their own existence. His temper was as even as a line measured by a plummet. I knew him long and well, better than I know any living man outside of my family circle, and I never saw him angry. I have seen him indignant at injustice, aroused to supreme action by wrong and bending every faculty to redress it, but I never saw him show the uncontrolled anger which acts without thought and strikes without reason. I cannot describe the kindness of his heart. I realize it, but I cannot express it. There are young lawyers within the sound of my voice who know something of its influence and extent. There are old students of Alfred University, who could not have graduated without his help, who know what it was. There are lonely widows who but for him would be living in privation and want who know what it was. There are feeble old men wasted by accident who know what it was. There are few who knew him, who do not know what it was.

From the outset of his life he was constantly doing acts of kindness to his parents, his brothers and sisters, his neighbors and friends. Success in life, all the honors he won, all the dignity and power of the bench, nothing in his existence withdrew his strong loving heart from sympathy for those in trouble or affliction, and sympathy with him did not mean mere words, but acts as well. When prosperity came to him he was constantly sending presents to his father and mother, to him a blooded bull or an improved farming implement, to her a horse and phaeton, a shawl or a dress, and to both a substantial sum of money at Christmas. Oh, how it warmed his heart when greater prosperity had come to him and enabled him to take his dear old mother, traveling like a princess, back to the home of her childhood to see her two aged sisters, whom she had not seen for fifty years and never expected to see again. All through his life, from his earliest youth up he never took greater pleasure himself than when he was giving pleasure to others.

His home was the abode of purity, love and peace. His heart flowed out in rich affection toward his wife and children and when he crossed the threshold where they were, care and anxiety were no longer by his side. Simple, gentle and kind at all times and to all persons, these qualities found their most beautiful expression within his family circle, upon which I will not further intrude.

The solidity of his character was equalled by its simplicity. There was no affectation about him. He never played a part or pretended to be what he was not. Sincerity and truth belonged to his moral nature as thoroughly as his majestic frame and noble head belonged to his physical nature. He was strong, loving, brave, gentle and humane. Modest and natural, off the bench he was "Mac" to his friends and rejoiced in the name, but on the bench he was the dignified and venerable administrator of justice, knowing no friend and fearing

no enemy. He well knew how to maintain the dignity of the Court and no one ever ventured upon familiarity with him when he was holding the scales of justice in his strong and impartial hand.

No man was better known nor more warmly loved in the community where he lived and throughout the section where his acquaintance extended. All classes loved him, men and women, high and low, his plain neighbors and his eminent friends. His love of children and their love for him was touching and significant. It was beautiful to see this strong man of athletic frame and noble presence lay aside the dignity of office, drop everything and play with his little nephews when they came to see him. How his affectionate nature was wrapped up in the little grandson who recently came to him.

The qualities of his mind and heart were those of a superior nature, endowed from birth with the choicest gifts of God. He was equal to any duty that came to him and no matter how appalling the emergency might be he met it with the resolution and courage of a noble and lofty character. His power grew with the danger he had to encounter. Masterful, loving and fearless; affable, courteous and dignified; manly, simple-hearted and great-hearted, when shall we see his like again?

His social, hospitable and convivial nature, combined with excessive work under great strain, threw the only shadow on the bright page of his life, but he fought the weakness which was in fact a disease with an energy and determination known only to his closest friends. Let him that is without sin cast the first stone.

Two weeks ago, when the dreadful news of his death flashed across the wires, a shudder of dismay shook us all. For a while we could not realize that the great noble throbbing heart had ceased to beat. When full realization came, sorrow was universal. It seemed as if a pall had been spread over our City. Consternation strode through our streets and grief sat on our door-steps. The mourning continues and has spread through the State. I cannot express what we all feel, for words are powerless in the face of such a calamity.

I am conscious I have said little that you did not already know and that you must realize how far short I have fallen from doing justice to the great heart and noble nature of Peter B. McLennan. No words of mine can make his merits appear what they are and nothing that I can say can add to his fame. Here I must leave him. Farewell, old Friend, your work is done and you are at rest. Care and conflict no longer touch you. The clouds of life are gone and the beauty of eternity is around you. We mourn your loss, but thank God, the gain is yours. Your name is stamped upon our hearts and the fragrance of your life is in our souls. We miss you, we weep for you, we are proud of you,

and we turn from your grave to the duties of life, strengthened by your example and consoled by your love. I voice the thought of all, when I say, "May God bless your memory."

Mr. Cheney then introduced Presiding Justice Frederick W. Kruse of the Fourth Appellate Division, who said:

Remarks of Justice Kruse

Mr. President and members of the Onondaga County Bar Association :

I have been asked to speak for the Court of which I am a member and of which he, whose memory is honored upon this occasion, was the Presiding Justice. The Court has adopted a memorial which will be made a part of its records at its session on Monday.

If I followed my own personal feeling I would sit silent as a listener to others. He was my warm personal friend. I met him by chance long before either of us was upon the Bench. We formed a warm friendship which continued always up to the time of his death. Peter B. McLennan was one of the most lovable men I ever knew ; strong, resolute, a natural leader of men, and so kind, considerate, thoughtful and helpful to everybody that no one who knew him could help but love him. While his death is a great loss to the Court over which he presided, it is a personal bereavement to me.

His life work is the best tribute to his memory. He came to the Bench well equipped. He came from the active practice of the law, a powerful advocate and profound lawyer. He at once attracted the Bench and the Bar by his clear, forceful and convincing opinions. They show better than any words of mine the character of his entire judicial work. I have not the time nor the inclination to single out particular cases or opinions written by him. It is sufficient to say that he was one of the most rugged and forceful characters in the judicial history of the State. While he was a man of positive convictions, he was tolerant and considerate of his Associates who might differ with him.

The memorial adopted by the Court sets forth more fully the sentiments of its members than would anything I could say upon this occasion. My Associate Justice Merrell and I came to represent the Court and join with you in paying respect to the memory of the big-hearted, generous man, the loved Associate, profound lawyer and great Judge who has passed away. Every member of the Court feels a personal bereavement and joins with you in paying tribute to his memory.

Mr. Cheney next introduced Hon. William S. Andrews, Justice of the Supreme Court, who made the following remarks :

Remarks of Justice William S. Andrews

I am glad to be allowed to say a few words as a tribute of respect and affection to the memory of Judge McLennan.

In his case it is both. No judge in this Department or in this State was more widely known, or had won so many friends or so much love. But especially here—at his own home—at a meeting of the Bar of his own county, among men intimately acquainted with his abilities and his career, to every one of whom Judge McLennan has, at one time or another, done some act of kindness, it is impossible to find words that adequately express our sorrow.

Judge McLennan came here a boy—without friends or influence—as so many hundreds have come before him. Even then one who knew him might have predicted his success. A powerful mind—great common sense—honesty and industry—a winning charm of personality—a stern resolution to succeed—there was little question that, granted life and health, he would make his mark.

That he did succeed, we all bear witness. But the details of his life—his services to his clients and to the city—his career as a trial judge—the steady growth of his influence—his power and force on the Appellate Division—of these things others have spoken.

Nor is it of these things that we think so much to-day. It is not the end of his public career, distinguished as it was, that touches us with grief. It is the loss of the friend—not the judge.

We all of us have our faults—but not all of us—not many of us—have his virtues to redeem them.

I have known Judge McLennan for many years—ever since I began my professional life. I was with him and against him at the Bar—so far as I could I helped towards his nomination to the Bench—later I practiced before him—still later, when I myself was elected, he surrendered to me half of his contracted quarters in the old court house and for years we occupied adjoining rooms. From the first I knew him well. I had a great and sincere affection for him. And it is in no spirit of eulogy I testify that no man who ever lived was a truer friend—one more generous and more ready to help another at any cost or sacrifice. There was nothing that he could do, that he would not. No trouble was too great—no exertion too much.

He made no claim in return. He seemed to think it his part to give. But any little thing you could do for him, he never forgot. He had no atom of suspicion in his nature. He trusted his friends as he believed they trusted him.

These are the things that count at such a time as this. No man's services are indispensable. Other lawyers as able—other judges as strong will in time adequately fill his place. The public recollection is short. A few years and his memory will be a name.

But to many of us here at home—to many elsewhere—who were honored by his friendship—the affection we have felt for the biggest hearted man we have ever known, will never die.

Mr. Cheney next introduced Mr. William G. Tracy, who made the following address :

Address of William G. Tracy

Mr. Chairman and my Associates of the Bar:

On behalf of the Bar of Central New York, and as a personal friend, I desire to pay my tribute to the memory of the deceased.

Although a judge upon the Bench, he still felt and considered himself a member of our Bar Association. He took a keen interest in its meetings, and was rarely absent from its social gatherings, where he delighted in addressing to us, individually and collectively, wise words of counsel and kind words of greeting. He maintained a high standard of ethics for the profession. Although so kind and merciful by nature, in his official capacity, he was just and severe in punishing malpractice of its members. He was an honest man himself, and had been such in the practice of the law, and could not tolerate knavery in any form.

From the time of his admission to the Bar, his career was an uninterrupted success. He was soon taken into partnership by Judge Vann. At last his foot was securely planted on the ladder on which he was to mount to prosperity and fame. He succeeded Mr. Fuller in the firm of Fuller, Vann and Dillaye, and immediately assumed the trial of the jury cases of his firm. He developed rapidly into a successful trial lawyer, for which he was naturally fitted. His quickness, earnestness, enthusiasm and eloquence impressed jurymen and friends alike. Ere long, he was taken to New York as General Counsel of the West Shore Railroad Company, a great feather in the cap of one so recently admitted. Upon its consolidation with the New York Central, he returned to Syracuse, where he formed a partnership with Mr. Waters, and afterward with myself and Mr. Ayling, which latter firm continued for a period of seven years. Our relations were always entirely harmonious and pleasant. He was then elected Justice of the Supreme Court. After a few years' service at the Circuit, he was promoted to the Appellate Bench of the Fourth Department, and had been its Presiding Justice for ten years preceding his decease. In these various capacities, in this rapid promotion, he always made good, and more than satisfied the requirements of the new position.

His boldness as a trial lawyer and his knowledge of human nature are shown by an incident he once told me. While General Counsel for the West Shore Railroad Company, he defended an action for negligence brought against that

corporation in Chenango County, in which \$100,000 damages was claimed by the plaintiff. The defense was that it was a fake case, that the terrible condition of the plaintiff was not caused by, or resulting from, the pretended accident claimed by him. When our friend arose to address the jury, he began: "Gentlemen of the Jury,—If this is a square case, if the condition of the plaintiff was caused by the negligence of the defendant, he is entitled to recover \$100,000."

Mr. Newton, an able lawyer of that vicinity, associated with him in the defence, twitched his coat and whispered to him in agony,—“For God’s sake, Mac, what are you about?—take it back, take it back.”

Well, he did not take it back, but on the contrary by his eloquence wrung from that jury a verdict for the defendant.

Sixty-three years ago, on a rough farm in one of the western counties of this State, a man child was born. Heaven smiled upon him at his birth, and granted him wonderful qualities of body, heart and brain. These talents of silver, entrusted to him by his Maker for the benefit of himself and mankind, were not buried in the ground, or suffered to rust, but by his after life and career, transmuted by him into talents of gold. Upon the strong foundations furnished him, he built the noble structure of his life.

He was given a high stature and a strong frame. By his early work on the farm, which he enjoyed and never shirked, he developed and solidified that frame, and acquired a rugged constitution which scarcely ever knew sickness, and enabled him to carry the heavy burdens afterward imposed upon him.

He was endowed with a strong brain. By struggles and hard privations, he secured a college education and procured his admission to the Bar. He had a harder row to hoe than most of us. How hard were those early struggles is apparent from the fact that he was twenty-six years of age before he was admitted to the practice of the law. He acquired thereby a broad, logical and liberal mind, which enabled him to meet and grapple successfully with the difficult questions brought before him, and made him one of the ablest judges this Department has ever had. His judicial opinions are characterized by their breadth and independence. By nature and education he acquired, too, in early life, a wonderful energy and enthusiasm, which triumphed over all obstacles and swept them from his path. He was bold, hopeful and aggressive in all public undertakings with which he was associated; a leading, dominant spirit in all gatherings of men for such purposes, inspiring them by his eloquence, infecting them with the enthusiasm that he himself possessed.

By his constant words of sympathy and deeds of kindness, he acquired that tender and loving heart, that we all knew so well.

No friends applied to him for aid in vain. He believed in them and their ability. He was always ready to throw aside his own work and devote his time

to their assistance in any way in his power. He even suggested to them chances and opportunities, sometimes beyond their capacities, and which might interfere with his own career. While in partnership with him, he astonished me one day by proposing that I should become a candidate for the judiciary, to which he himself then had aspirations, but soon had to confess that success in that regard was a harder task than even he could perform. He had a genius for friendship. He never met a friend without a smile, or parted from him without a cordial greeting. He had a great and noble heart, and all who knew him loved him. Can there be a better epitaph?

Ambition, too, was his. He meant to be good, but to be good for something. Success did not tarnish him with egotism, or vanity, as is so often the case; he remained to the end as simple, natural and sincere, as in the beginning, treating everyone as his equal.

The happy and buoyant spirit conferred upon him at his birth was retained by him throughout his existence, enhanced by a broad and genial sense of humor in all situations of life, which endeared him to all of us. He never vegetated. He lived every moment of his life, and was a man. He was an optimist by birth and training, believing in and thoroughly enjoying this life. He always remained a boy in spirit, leading, to some extent, the happy, careless life of a boy. He was unselfish and generous, broad and not petty, in his thoughts and in his dealings with men. Envy and detraction were unknown to him.

He was a successful man. Not only materially in this life, as the world counts success, but in those things which count in the life to come. He was an honor to his name, to his race and his country. It is said "Those whom the gods love die young," but we cannot but mourn over this bright and noble career so suddenly extinguished.

And now we bid to him our last farewell. To the able jurist, the upright citizen, the loyal friend, the affectionate brother, the kind father, and faithful and loving husband, believing—yes, knowing—that in the Courts above, he will be greeted with the words, "Well done, thou good and faithful servant."

Mr. Cheney next introduced Mr. William Nottingham, who made the following remarks:

Remarks of William Nottingham

A deep and saddening quiet pervades the circles amid which Judge Peter B. McLennan moved, such as ever marks the passing into the realm of silence of a life so esteemed and active. In the fullness of strength and vigor he stepped down from his accustomed place upon the Bench as Presiding Justice of the Appellate Division, for a brief respite from labor, only, in the short space of a few hours, to be clasped in the embrace of death. We are wont to shudder and even prone to revolt at so abrupt a termination of a career at the acme of its power and usefulness. But as we read the pages of history and reflect upon the vicissitudes of human fortune, we are led to feel, and find consolation in the thought, that man's influence upon his generation is often less lasting when life's candle after full effulgence burns to the socket, than if the hand be palsied while the world still feels the thrilling touch of his consummate power.

Very many of the qualities that made Judge McLennan successful and brought him position and prominence were born in him; he did not, however, permit their strength to abate or be lost by disuse, but quickened and increased their force and efficiency by persistent exercise and cultivation. He was endowed with unusual ability and broad common sense. But these alone would not account for his success, for many others have possessed the same faculties and failed.

In his character there was another element that was obvious to all who knew him and which furnished the dynamic force that rendered his native gifts effective. This was a firm and abiding confidence that he could accomplish the work which he undertook; and this faith grew and strengthened with each added effort. He was never dismayed by difficulties, nor discouraged by the doubts and pessimism of others. These characteristics enabled him to surmount the many obstacles that beset his youth, and bore abundant fruit in the notable achievements of his after years; they stimulated and intensified the energy and ambition of the student; and inspired and sustained him in the struggles and the labors of the lawyer and the judge.

As a citizen Judge McLennan took a profound interest in public affairs and was ever ready to assist in the furthering of those enterprises and the upbuilding of the institutions which promoted the welfare of his fellowmen. The people of this community will long remember with gratitude the active and effective part taken by him in the movements which have been originated and carried out from time to time for the civic betterment, educational advancement and material

comfort and prosperity of this city of his choice. He also lent his counsel and assistance to every effort made by the local and State Bar associations to improve the practice of the law and raise the standards of the profession.

But our Brother McLennan possessed a virtue which is not always found in company with intellect and force, but which is more valued than any other quality by the community, associates and friends. This was a great heart and an actively sympathetic and benevolent nature. This quality drew about him a wide circle of friends and created and cemented lasting ties of affection and esteem. He was ever ready to extend a helping hand wherever help was needed. In the cause of a friend his zeal, energy and resourcefulness knew no bounds.

The story of his career has already been so well and completely told that I need but make these brief comments upon the composite picture. When his triumphs and defeats have been forgotten, there will still linger with us the helpful and inspiring tone of that eventful life.

Mr. Cheney next introduced Hon. Michael E. Driscoll, who delivered the following address:

Address of Michael E. Briscoll

Mr. President:

Let me thank the committee for the privilege, on this sad occasion, of paying my tribute of respect and affection to the memory of Judge McLennan, and of stating in a few words my high appreciation of his attainments and character.

Upwards of thirty-five years ago I entered his law office, and from that time to the day of his death we were close and warm friends. I enjoyed his confidence and rejoiced in his brilliant and honorable career.

His brothers on the Bench have spoken of his great ability and lofty character as a jurist, and I will refer particularly to his unusual power and success as an advocate. During the last twenty years he served on the bench, and, therefore, the younger members of the bar never saw Peter B. McLennan in action in an important jury trial. That he thoroughly prepared his cases on the law and facts goes without saying. It is of his work in court that I will speak.

During my early years at the Bar I made a careful study of the men against whom I was trying causes, their methods of conducting their cases, and their strong as well as their weak points. For the advocate who knows not only his opponent's case, but also the opposing counsel, has a decided advantage over one who knows but little or nothing about either, and depends entirely upon the merits of his own case and the strength of his own evidence. Some lawyers try all their cases in the same orderly, methodical manner, and from their opening remarks their opponent knows about what he has to meet.

Not so with McLennan. He kept his adversary guessing from the beginning to the end of the trial, and constantly on guard against surprises and flank attacks. Many a verdict has been won on matters which neither attorney, in preparation for trial, considered very material to the merits, or which both entirely overlooked.

I submit that every successful advocate, in the rough and tumble of jury trials, is more or less of a pettifogger, in a rather respectable sense of that term. Every effort to prove facts which the attorney knows are inadmissible, every attempt to lumber the record with immaterial evidence, every suggestion or question which does not bear on the issue in controversy, and every appeal to passion and prejudice may be classified as pettifogging. Some overdo it and thereby forfeit the respect of the court and lose the confidence of the jury. They are blunderers and failures. While others resort to this art only rarely, with

apparent candor and sincerity, and with telling effect. In this respect Mr. McLennan was an accomplished artist.

He never took a mean advantage of his adversary, nor did he hit below the belt. But when he received a blow on one cheek he did not turn the other; nor did he waste much energy in self-defense, for he kept the other fellow busy defending himself. Against him the four-flusher had but short shift, for he quickly called the bluff to his confusion and discomfiture. He had no patience with sham, subterfuge or false pretense, and when he exposed them in an opposing party or witness, terrible were his wrath and denunciation.

Some lawyers excel in direct examination, Colonel Jenney, for example. In my judgment, Mr. McLennan's specialty was in cross examination. He was a good judge of human nature, and if he believed a witness was telling the truth, his cross examination was usually brief and on unimportant matters, for he was careful not to elaborate or strengthen the direct evidence. But the false witness was roughly handled. His significant scowl and searchlight glare were embarrassing, and he plied him with questions so rapidly and adroitly, and from so many angles, that the man who got away with perjured evidence was indeed an expert liar. In his cross examination the unexpected often happened. To illustrate: After a long and important direct examination a witness would settle himself in his seat, swell out his chest and brace himself for a trying cross examination, when, to his surprise and disappointment, McLennan would ask him only a few pointed questions bearing on his credibility or interest in the case, and drop him in a manner and with a look which made him feel that, in some way, he had cut a ridiculous figure.

Raised in the country, he could talk to a jury of farmers from their viewpoint, and clinch his arguments with illustrations familiar to them. He never talked above their heads, but directly to them and to the point. He wasted no time in splitting hairs or in elaborating finespun theories, for he knew by intuition what arguments would appeal to the ordinary jury, and pounded them home with tremendous force. His addresses to juries were not what you would call methodical and logical arguments, discussing each question fully and dismissing it for good. He believed that if success were possible, it must be on his strongest points, to which he constantly returned, analyzing the evidence on both sides, and marshalling the facts in their most convincing relation and bringing them to bear in support of the main issue on which he relied.

In his addresses to juries he was sometimes magnificent, not for the affluence and purity of his diction, nor for the beauty of his style or finish of his oratory, but for his intense and convincing earnestness and his powerful assaults on his adversary's position. He was tall and lanky, and when in dead earnest it was his custom to lean over the table toward the jurors. Then magnetic power

radiated from the flashing of his eyes, the dilating of his nostrils, the quivering of his jaw and the tips of his long, bony fingers.

He inherited a sound physique and virile constitution, which long and arduous trials did not fatigue. He inherited a love for argument and intellectual strife, and he also inherited that God-given endowment of common sense, which counts for more before a jury than the most profound learning. His assurance and self-confidence were superb. From the start he tried his cases without the assistance of counsel, and courted the opportunity of measuring swords with the most experienced and able trial lawyers at the Bar, and when he was beaten, which was relatively seldom, the case against him had the decided merits.

By reason of his talents, training, temperament, surplus of energy and love of strife, he was, in my judgment, when elevated to the Bench, better fitted for a trial lawyer than a trial judge. He was then forty-two, at the height of his remarkable physical and intellectual power, and it must have been hard for him sometimes to restrain his pent-up energy and see what he considered a good case going wrong for lack of competent counsel. How he must have ached to take a seat at the table and help out the side which he believed should win; and if he sometimes assumed the role of the thirteenth juror, which I do not approve, it was because he could not look on quietly and judicially and permit what he considered a miscarriage of justice.

In politics Judge McLennan was a Republican by inheritance and from conviction, an uncompromising partisan and a decided factionist, for he stood by his friends and was never half-hearted or mealy-mouthed in support of men or measures. He was a popular campaigner, a good mixer and a natural leader. He readily made friends to whom he was always "Mac". His word was good, and when he pledged his support to a candidate, he was a tower of strength, for he was tireless and resourceful. His enthusiasm, optimism and absolute confidence of victory had a tremendous effect on wavering politicians who were looking for the band wagon.

At the time of his first candidacy the Republican party of this county was split into two strong and hostile factions. That year his faction happened to be in the saddle and his nomination came after a long and rather bitter contest. He pledged his word to the nominating convention that he would discharge the duties of Supreme Court Justice to the best of his ability, without fear or favor, and he kept the faith. On the bench he recognized neither political nor personal friendships. His only aim was that honesty, right and justice might prevail in his court, and during his fourteen years of service so strong had he grown in the respect and confidence of the Bar and laity of this judicial district, that at the expiration of his term no man presumed to contest his renomination or re-election.

As a green, awkward country boy he broke into this town without money, friends or influence, and in twenty years became a leader of the Bar and Supreme

Court Justice. The record speaks for itself and the metal he was made of. His was a dominant and attractive personality, for he was earnest and genuine, loyal and true. His nature was kind and benevolent. He always rejoiced in others' prosperity and success. He was free with his money, generous in his sympathies and charitable towards others' faults. His friends were bound to him as with bands of steel, and he had no foes. The news of his untimely and tragic death was followed by real sorrow, for he was a fine, manly man and the people loved him. His heart went out to everybody and everybody's heart went out to him. He lived an honorable, full and happy life and died in the harness. Throughout the State, and especially in his home city, he will long be remembered with kindness and affection as a broad-minded, big-hearted, high souled gentleman.

The following resolutions were then presented by Hon. James B. Brooks, Chairman of the Committee on Resolutions, and adopted by the Association by a unanimous rising vote:

Resolutions of the Onondaga County Bar Association

On the 8th of May, instant, Justice Peter B. McLennan died in the city of Rochester N. Y. His death was sudden and unlooked for, and the report of the sad event produced a shock of sorrow that was felt in all parts of our State. A more than common life has gone out. Justice McLennan was an able and successful member of the Bar. When comparatively a young man he was nominated for the great office of Justice of the Supreme Court and later was made its Presiding Justice, in all of which honors we have had our legitimate share. Upon the creation of a college of law of Syracuse University, he accepted a position upon its faculty, which position he retained until his death, with unflagging interest in its welfare. His home has been continuously in this city since he entered upon his professional career; he has been prominent and influential in the life and progress of our city during the forty years last passed; we have seen the development of his interesting family in this city, where his children have been reared and educated, and are now just entering on the great work of life.

We have had a large investment in the life of Justice McLennan and our affliction upon his death is correspondingly severe.

Justice McLennan belonged, in a special sense, to every class and all conditions of society. He was appreciative and sympathetic in the presence of need and distress in all their varied forms, and he was active and indeed masterful in the important concerns that occupy and engage our best citizenship. The young people found him to be the wise and strong friend. The young men admired him and were greatly influenced by him.

A strong personality, a good judge, a patriotic citizen, his death is a loss, not only to his city, and to us, his associates, in the work of our profession, but to the great State of New York.

To the family of our friend we extend our sympathy and the condolence of common sorrow.

Resolved, That the foregoing be spread on the minutes of the Onondaga County Bar Association and that the secretary forward a copy thereof to Justice McLennan's family.

The Bar Association then adjourned.

Letters Received :

State of New York
Court of Appeals
Judges' Chambers

Syracuse, May 23, 1913.

The President of the Onondaga County Bar Association:

I deeply regret my inability to be present at the exercises to be held by the Onondaga Bar in honor of the memory of Judge McLennan. An engagement to speak at Ithaca made many weeks ago and which I ought not to break compels my absence from the city.

The sudden death of Judge McLennan was a saddening shock to me as it was to a multitude of lawyers and laymen throughout the State. With many of us, members of this Bar, it meant the severance of a personal intimacy and friendship which had lasted through a long period of years.

His personal character, moulded and strengthened by his early struggles, first for a general education and then in preparation for admission to his profession, was of that rugged, strong and aggressive nature which always attracts attention and commands great influence in any community, and when such a disposition finds expression in acts of friendship and assistance to others, as Judge McLennan's so often did, it binds to its possessor a host of friends by imperishable ties. Such friends to-day mourn the death of Judge McLennan in every quarter of the State.

These characteristics which I have mentioned made him a very able lawyer and a distinguished Judge. It would be idle in this presence which knows of them so well, to dwell at length upon his ability and traits as a lawyer. He was well grounded in the important principles of law and especially as an advocate before a jury he possessed those talents in the examination of witnesses, in the eloquent marshalling of facts and in the play upon men's sympathies which made him an opponent at once to be dreaded and admired.

I think that the same general characteristics which made him so successful at the Bar predominated in his judicial work. He will not in my opinion most often be thought of as one who pored over law reports and drudged amongst abstruse discussions of obscure legal points. But, on the other hand, he will be best remembered for his strong, natural common sense, for his aggressive conception of fundamental principles of right and wrong and for his determined

desire to attain what seemed to him to be the broad justice of a litigation rather than a technical decision. He had little patience with quibbles and thin refinements, but intuitively and boldly proceeded to lay hold of what appeared to him to be the broad and controlling merits of a litigation. These qualities firmly secured for him the personal good will and confidence not less of litigants than members of the Bar.

We all mourn, although few of us as yet fully realize, the death of our friend and we shall long remember, and cherish the remembrance of, his stalwart figure, his forceful and enthusiastic personality, his many acts of kindness and helpfulness, his ability and triumphs as an advocate and his many years of distinguished and useful service on the Bench.

FRANK H. HISCOCK.

Extract from Letter of Hon. John G. Milburn

* * * * The relation between Judge McLennan and myself was one of real affection. We had known each other many years, and from the first, were drawn to each other in an intimacy that ripened and grew, as the years passed. One of the great pleasures of my professional life for many years was to appear before him in Court. He was the type of an upright judge and courteous gentleman. I think I always argued at him, because he was so alert, so appreciative and so down right. He drew out of the advocate the best that was in him. We all felt perfect confidence in his fine, all-round judicial qualities, and above all, his love of justice. He built all the monuments he needs in his work.

Out of Court we were attached and devoted friends. I would at any time go far to see him. He was so human, so gentle and considerate, so vital. The hours passed, when we were together, as if they were moments. There was no more vivid and interesting personality in my circle of friends.

I cannot think that I am not to see him again. He was just slightly older than I, and he will live in my memory during my remaining days, as if he were here. * * * * *

Ever sincerely yours,

JOHN G. MILBURN.

SUPREME COURT CHAMBERS
POUGHKEEPSIE
NEW YORK

May 20, 1913.

THE ONONDAGA COUNTY BAR ASSOCIATION,
Syracuse, N. Y.

Dear Sirs:

A request has been sent to me to be present at the Memorial Service in honor of Peter B. McLennan, late Presiding Justice of the Appellate Division of the Supreme Court for the Fourth Department of the State of New York, to be held in the Court House, Syracuse, on May 24th, 1913.

I regret to inform you that I cannot be present owing to a special term designation here that day.

I was very sorry to hear of Justice McLennan's death and especially the unfortunate manner it came to him.

In this death, the people and especially the residents of the Fourth Department have suffered a severe loss. One has but to read his opinions, whether prevailing or dissenting, to learn the true character of this man and to know how honestly, faithfully and conscientiously he was performing the duties of this high position in which he was placed.

I join with you in your services and extend to you my sincere sympathy and to those near and dear to him, my condolence.

Very truly yours,

JOSEPH MORSCHAUSER.

SUPREME COURT CHAMBERS
BUFFALO, N. Y.

May 22, 1913.

ONONDAGA BAR ASSOCIATION,
Syracuse, N. Y.

Dear Sirs:

I very much regret that I will be unable to attend the memorial service in honor of the late Justice McLennan, to be held on the 24th inst.

I highly esteemed his friendship, and would be glad of an opportunity to bear testimony to his unfailing kindness and consideration. His personality was strong and made its impress on everyone with whom he came in contact. His uprightness and independence of character, coupled with great legal ability and judicial attainments will long be remembered by the Bar and Bench of the State.

I am,

Very sincerely,

CHAS. B. WHEELER.

Wh.

*Supreme Court
Chambers
New York*

LEONARD A. GIEGERICH, JUSTICE

May 23rd, 1913.

Gentlemen:

I deeply regret that circumstances render it impossible for me to accept your invitation to be present at the memorial services to be held by you in honor of Judge McLennan.

Though my association with him was not frequent, I loved him. I admired him, too. I shall always remember what he himself once said of a distinguished departed judge, viz: that it was in the power of every judge to build his own monument by his decisions. Such a monument and a noble one, our lamented brother built for himself.

I join with you in the mingled sorrow and pride which you must feel on this occasion. I am,

Yours very truly,
L. A. GIEGERICH.

TO THE ONONDAGA COUNTY BAR ASSOCIATION,
Syracuse, N. Y.

*Supreme Court
Chambers
New York*

Mr. Eugene A. Philbin greatly regrets his inability to attend the memorial services to be held in honor of the late Honorable Peter B. McLennan.

*Supreme Court
Chambers
Watertown, N. Y.*

May 21st, 1913.

My Dear Mr. Cheney:

I greatly regret that I shall not be able to attend the memorial meeting of the Onondaga County Bar Association on Saturday afternoon in honor of the late Justice Peter B. McLennan.

I should be glad to join with your association in paying respects to the memory of a distinguished jurist, but unfortunately I am called away from home and shall not return until early next week.

Judge McLennan was in many respects a unique personality. He was possessed of a masterful mind, but, better than all else, he was endowed with a strong and sturdy common sense which was manifest in nearly all of his judicial work. He has left an impress upon the jurisprudence of our State which marks him as one of the foremost jurists of his day.

But aside from his work upon the Bench, he was possessed of a most pleasing and attractive personality and address, always cordial and gracious and always mindful of the necessities of others. In fact it always seemed a greater pleasure for him to add to the comfort of others than to look after his own personal interests.

His sad and untimely death is a great loss to the Bar and Bench and to the community at large, and it is very appropriate that your association, of which he was a member and in which he took such a pride, should meet and do honor to his memory as a jurist, a lawyer, a neighbor and a friend.

Kindly present to the Association my sincere regrets at not being able to be with them and believe me to be,

Faithfully yours,

E. C. EMERSON.

JEROME L. CHENEY, Esq.,
Pres. Onondaga Co. Bar Assn.,
Syracuse, N. Y.

Buffalo, N. Y., May 21st, 1913.

ONONDAGA COUNTY BAR ASSOCIATION,
Syracuse, N. Y.

Gentlemen:

I regret that an imperative engagement for May 24th will make it impossible for me to be present at the memorial services in honor of the Honorable Peter B. McLennan.

I cannot let the occasion pass, however, without recording my sincere admiration of the courage, fairness, ability, integrity, and industry which he manifested in the discharge of his official duties. It was delightful to witness his kindly consideration for the younger or more inexperienced members of the Bar. He was a warm-hearted, genial, faithful friend. He was not perfect, because he was a man, but he had manly virtues in such large measure that any imperfection is forgotten in the memory of his many strong and good qualities.

Sincerely yours,

ADELBERT MOOT.

Utica, N. Y., May 21, 1913.

TO SECRETARY,
ONONDAGA COUNTY BAR ASSOCIATION,
Syracuse, N. Y.

My dear Sir:

Acknowledging the receipt of the invitation to be present at the memorial services in honor of Justice McLennan, I write to say that nothing but absence prevents my accepting the invitation. It is necessary for me to be out of town on the appointed day, which I exceedingly regret. I should deem it an honor to be present to pay respect to our late esteemed fellow member of the Bar and eminent jurist.

Yours very truly,

H. J. COOKINGHAM.

Little Falls, N. Y., May 21, 1913.

ONONDAGA COUNTY BAR ASSOCIATION,
Syracuse, N. Y.

Dear Sirs:

As it will be impossible for me to attend the memorial services in honor of the Hon. Peter B. McLennan, who passed away under such unfortunate circumstances, I wish to express my great grief at the loss that the courts, the Bar, and all the people have sustained by his death.

He was, indeed, one of nature's noblemen and has in his time accomplished much good, and his unfortunate end must be regretted by all.

Very respectfully,

MYRON G. BRONNER.

Telegrams

Capitol,

Albany, N. Y., May 9, 1913.

MRS. PETER B. MCLENNAN,
Syracuse, N. Y.

Mrs. Sulzer and I are shocked and deeply grieved at the tragic death of your distinguished husband. In your bereavement we extend to you and the members of the family our heartfelt sympathy. Have ordered the flags on all State buildings placed at half-mast.

WM. SULZER.

Supreme Court Chambers,

Washington, D. C., May 10th, 1913.

COLIN W. MCLENNAN,
Syracuse, N. Y.

I am inexpressibly shocked to learn of the death of Judge McLennan. I greatly regret it will be impossible for me to attend the funeral services. Mrs. Hughes and I send our deepest sympathy.

CHARLES E. HUGHES.



Washington, D. C., May 10, 1913.

COLIN W. McLENNAN,
Syracuse, N. Y.

I am shocked and grieved by the sad death of my old and highly valued friend, Judge McLennan. I beg to express my deep sympathy with his family. The untimely end of his distinguished and useful career is a very great loss to all the people of Syracuse and of the whole State.

ELIHU ROOT.

Court of Appeals,

Albany, N. Y., May 9th, 1913.

MRS. PETER B. McLENNAN,
Syracuse, N. Y.

I extend my deep sympathy in the great loss you and the people of the State sustain by the death of your husband and my friend, Presiding Justice McLennan.

EDGAR M. CULLEN.

Albany, N. Y., May 24th, 1913.

ONONDAGA COUNTY BAR ASSOCIATION:

I regret I cannot attend the memorial services of the Onondaga County Bar in honor of Judge McLennan, and in person pay to his memory the sincere tribute of my affection and regard. He was a great man as well as a great judge, and gave to the State the inspiration of a rugged and splendid character and to the Bench a learned, honest and practical conception of the law. His knowledge of public affairs was accurate, his views upon them wholesome and his opinions and conduct fearless. He was a tower of strength in sustaining the dignity and probity of the Bench and drawing to it the admiration of lawyers and the confidence of citizens. To me he was a valued friend and wise counselor. In common with all who knew him, I deeply lament his untimely death.

THOMAS CARMODY.

Cato, N. Y., May 24, 1913.

TO THE PRESIDENT OF THE ONONDAGA BAR ASSN.,
Syracuse, N. Y.

As one of Justice McLennan's associates in the Court which he honored as Judge, may I say to you that he was esteemed by all as an able, vigorous, conscientious, and fearless judge, and that he will be greatly missed by his friends in the Appellate Division of the various Departments; by the Bar, and especially the young practitioners, with whom he was so considerate, and by the State who loses one of its best friends. My absence from the meeting of the Association this morning is unavoidable.

ADELBERT P. RICH.

New York, May 9th, 1913.

MRS. PETER B. MCLENNAN,
Syracuse, N. Y.

I am requested by the Trial and Special Term Justices of the First Department to convey to you and your children their profound sympathy in your affliction. Justice McLennan had the respect and affection of his brother Justices and we mourn his loss as that of a great judge and an honored associate.

PETER A. HENDRICK.

Alfred University, Alfred, N. Y.

Alfred mourns with you the death of Judge McLennan. He was a man of great talents and a great heart. He was a truly loved and highly honored alumnus and trustee, a loyal and tireless worker. His death crushes with a deep sense of loss.

BOOTH C. DAVIS.

Other Telegrams

Telegrams of sympathy and appreciation were also received from: Hon. Alton B. Parker, Hon. William W. Werner, Hon. George W. Ray, Hon. Edward W. Hatch, Hon. Pardon C. Williams, Hon. Martin E. Knapp, Hon. Walter Lloyd Smith, Hon. Arthur E. Sutherland, Hon. Charles H. Brown, Hon. Irving G. Hubbs, Hon. Cuthbert W. Pound, Hon. Warren B. Hooker, Hon. William W. Clark, Hon. Frank S. Smith, Hon. Edgar S. K. Merrell, Hon. Albert F. Jenks, Hon. Irving R. Devendorf, Hon. Emory A. Chase, Hon. Pascal C. De Angelis, Dr. Daniel Lewis, Mr. Ira A. Place, Mr. Otto T. Bunnard, Mr. Fred A. Robbins, Mr. Jesse Phillips, Mr. John W. Andrews, Mr. Gabrielle L. Hess.

